IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Bail Appl..No. 2853 of 2007()

C.R. NO. 39 OF 2006 OF RANNI EXCISE RANGE

PETITIONERS : ACCUSED NO.3 & 2

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1. SANTHOSH KUMAR,
   S/O.THULASEEDHARAN PILLAI,
   PUTHENPURAYIL VEETTIL, KIDANGAYAM MURI,
   NOORANAD VILLAGE, MAVELIKARA TALUK.

2. SUDHAKARAN, S/O.PADMANABHAN,
   SURENDRAVILASAM, NOORANAD.

BY ADV. SRI.S.SANAL KUMAR

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 2853 of 2007

DATED: 29-05- 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. petitioners who are accused Nos. 3 and 2 in C.R. No. 39 of 2006 of Ranni Excise Range for offences punishable under secs. 55(a), 8(1) and 8(2) of the Abkari Act for allegedly having been found in possession of 4 litres of spirit, seek anticipatory Bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case involving such grave offence. It is too early to accept the petitioners contention that the petitioners have been falsely implicated. There is no reason why the petitioners should not surrender before the magistrate concerned and seek regular bail. Accordingly, If the petitioners surrender before the Magistrate concerned within two weeks from today and file an application for regular bail, the same shall be considered and disposed of preferably on the same day on which it is filed bearing in mind the decision in **Sukumari v. State of Kerala - 2001 (1) KLT 22.**

With the above observation this Application is disposed of .

V.RAMKUMAR, JUDGE.

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